



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,537	10/25/2000	Evelio Perez	02558-062010US	3093

20350 7590 10/05/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

CHOI, LING SIU

ART UNIT PAPER NUMBER

1713

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,537

Applicant(s)

PEREZ ET AL.

Examiner

Ling-Siu Choi

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/00 & 12/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to an apparatus for securing together a plate and spacer assembly, classified in class 204, subclass 619.
 - II. Claims 7-10, drawn to a casting stand, classified in class 204, subclass 618.
 - III. Claims 11-12, drawn to an insert for placement in a slab gel mold to form wells, classified in class 204, subclass 613.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions relate to an **apparatus** for securing together a plate and spacer assembly, a **casting stand**, and an **insert for placement in a slab gel mold to form wells**.
3. During a telephone conversation with Mr. M. Henry Heines on November 10, 2003, a provisional election was made with traverse to prosecute the invention of

Art Unit: 1713

Group II, claims 7-10. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6 and 11-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Atta (US 5,632,877), Sylvester (US 5,112,470), or Hellman (EP 0 339 975 A2).

The present invention relates to a casting stand to hold a **rectangular slab gel**

Art Unit: 1713

enclosure having a bottom opening and securing the enclosure in a vertical position for casting a gel in the enclosure, the casting stand comprising

A	a support rack having a floor sized to cover the bottom opening and a vertical wall extending upward from the floor
B	a notched member pivotally mounted to the support rack above the floor the notch member having a notch therein to receive an upper edge of the enclosure when the enclosure is resting against the vertical wall the notched member capable of rotation between a clamping position in which the enclosure is received within the notch when the bottom opening is pressed against the floor, and an open position in which the notch is raised to release the enclosure from pressure against the floor and to thereby permit insertion and removal of the enclosure from the support rack the notched member being spring-loaded to bias the notched member toward the clamping position

(summary of claim 7)

Van Atta discloses an apparatus for securing a parallel plate gel enclosure to a frame to form a liquid-retaining chamber for an electrophoresis buffer, the apparatus comprising a gasket between the frame and the gel enclosure; a housing; a pressure plate movably received inside the housing, defining a cavity within the housing to receive the gel enclosure and frame; a pair of cams rotatably mounted to the housing in engagement with the **pressure plate**; and **means for rotating the cams** to urge the pressure plate toward the cavity such that when the gel enclosure, gasket and frame are received in the cavity, the gel enclosure is pressed against the gasket and frame to form a fluid-tight seal (claim 1).

Art Unit: 1713

Sylvester discloses an electrophoresis apparatus comprising a support structure for supporting a gel plate assembly in a generally vertical plane, a pair of upright **side members**, a support plate lying in a vertical plane and extending between the side members, a lower buffer tank for supporting the gel plate assembly between the side members, and an upper buffer tray having a sealing gasket on one side thereof which is engageable with the gel plate assembly adjacent the upper edge thereof upon movement of the upper tray into engagement with the gel plate assembly, wherein the **upper tray is moved into sealing engagement** with the gel plate assembly and away therefrom by a cam disposed in cam slots in the sides of the upper tray and operated by **a handle disposed externally of the side members and connected to the cam by a shaft passing through the side members** and a roller retainer or locking members are slidably received by each of the side members and include a roller having resilient surface for engagement with the surface of the gel plate assembly for retaining the gel plate assembly in position against the support plate thereby minimizing mechanical stress (abstract).

Hellman discloses an electrophoresis device having a support rails for a gel plate assembly and means for clamping the plate assemblies to the support (abstract). Attention is drawn to Figures 5-6, wherein a **clamp (part 80) journalled on a post (part 82) has a handle portion** (part 83) (col. 4, lines 41-46).

Thus, the present claims are anticipated by the disclosure of Van Atta, Sylvester, or Hellman.

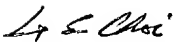
Art Unit: 1713

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LING-SUI CHOI
PRIMARY EXAMINER

Ling -Siu Choi, Ph.D.

September 27, 2004